

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Mario Alberto Gutierrez

Case: 2:24-mj-30448

Case No. Assigned To : Unassigned

Assign. Date : 10/18/2024

Description: CMP USA V.

GUTIERREZ (DJ)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 17, 2024 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

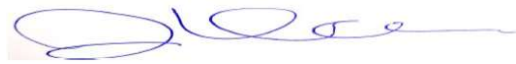
21 U.S.C § 841(a)(1)

possession with intent to distribute a controlled substance

18 U.S.C. 924(c)

possession of a firearm during and in relation to a drug-trafficking crime

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.*Complainant's signature*

Joshua Klaas, Task Force Officer, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: October 18, 2024*Judge's signature*City and state: Detroit, Michigan

Hon. Kimberly G. Altman, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Joshua Klaas, having been duly sworn, state as follows:

1. I am employed as a United States Border Patrol K9 Agent and have been so employed since March 2010. I am currently assigned to the FBI Detroit Violent Gang Task Force (VGTF) as a Task Force Agent, and my current duties include investigating gangs, firearms trafficking, and narcotics trafficking. I have been a United States Border Patrol narcotic detection canine handler for approximately seven years. Prior to my present assignment, I was assigned as a detective on the Michigan State Police Metro Narcotics Enforcement Team (MNET) for approximately five years, where I investigated multiple aspects of narcotics violations, including possession, trafficking, interdiction, controlled purchases, and work with confidential human sources. I have approximately seven years, between my federal and state law-enforcement service, specializing in narcotics investigations. Throughout my career as a Border Patrol Agent and Task Force Agent, I have participated in investigations involving narcotics and firearms, as well as numerous investigations that resulted in the execution of search and arrest warrants. Due to my extensive investigative experience, I have become familiar with common patterns of behavior associated with drug trafficking.

2. I submit this affidavit in support of a criminal complaint against MARIO ALBERTO GUTIERREZ for violating 21 U.S.C § 841(a)(1) (possession

with intent to distribute a controlled substance) and 18 U.S.C. 924(c) (possession of a firearm during and in relation to a drug-trafficking crime). Because I submit this affidavit for the limited purpose of establishing probable cause in support of a criminal complaint, I have not included each and every fact I know concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe the defendant committed the offenses alleged in the complaint.

3. This affidavit is based on my personal knowledge as well as information provided to me by other law enforcement agents and witnesses.

4. After five controlled buys of controlled substances from GUTIERREZ from April to September 2024 during which GUTIERREZ exited his residence on Springwells Street in Detroit before each buy, law enforcement obtained a search warrant from this Court for his residence in October 2024.

5. On October 17, 2024, at approximately 10:30 a.m., law enforcement began physical surveillance at GUTIERREZ' residence on Springwells, in the Eastern District of Michigan.

6. At approximately 3 p.m., law enforcement observed GUTIERREZ and Daniela GARCIA exit the front door and drive away in a 2023 Black Jeep Grand Cherokee. Surveillance followed the Grand Cherokee, and law enforcement conducted a traffic stop nearby. Agents arrested GUTIERREZ and GARCIA for

outstanding traffic warrants and took them to the Dearborn Police Department for booking on their warrants.

7. On October 17, 2024, at approximately 4 p.m., agents executed a federal search warrant at GUTIERREZ's residence, the same residence from which he had exited with Garcia around 3 p.m. The FBI Detroit SWAT Team cleared the residence prior to the search. No civilians were present during execution of the search warrant.

8. After GUTIERREZ's residence was secure, law enforcement began a search of the residence. During the search, agents observed four pistols in the living room. One of the pistols was sitting next to the front door. It was loaded and unsecured.

9. In the kitchen, law enforcement located a small kitchen plate that contained a white powder residue and a MasterCard bearing the name of Mario GUTIERREZ and having a powdery residue atop.

10. In the master bedroom, law enforcement located a bag containing a white chalky substance sitting in plain view on the dresser. The total package weight was 120.8 grams and the substance field tested positive for cocaine. Next to the white chalky substance were two digital scales containing a white powder residue that was similar in appearance and texture to the contents of the 120.8-gram package. Also on the dresser were plastic baggies commonly used to package

narcotics, and a loaded firearm magazine.

11. Inside the same dresser were three firearms. Those firearms were two Glock pistols and Kimber. A loaded Sig Sauer rifle pistol was in the master-bedroom closet on the floor unsecured, in arms' reach from the white powdery substance. Within the dresser was GUTIEREZ' U.S. passport and mail bearing his name and address (the same address law enforcement was searching). Additionally, in the closet were men's and women's clothing and accessories.

12. There was other paperwork in the master bedroom that had GUTIERREZ's name on it.

13. Law enforcement located a large amount of firearm ammunition and magazines throughout the master bedroom, outside the dresser. Those ammunition and magazines were appropriate for the firearms inside the master bedroom. Based on my training and experience and the items law enforcement located in the bedroom, I concluded GUTIERREZ and GARCIA utilized this bedroom daily.

14. Based on my training and experience, I know the quantities of cocaine law enforcement seized are distribution quantities, rather than for personal use. Given the quantity, the presence of digital scales with residue, and packaging material all atop the dresser, I concluded GUTIERREZ possessed the cocaine in his bedroom with intent to distribute it. Furthermore, my training and experience led me to conclude that the multiple firearms in the same bedroom, some loaded,

and with magazines nearby, were in furtherance of GUTIERREZ' drug trafficking and to protect his stash of controlled substances. I know that drug traffickers commonly possess firearms to protect their drugs and drug proceeds.

15. Based on the facts set forth above, probable cause exists to conclude that **MARIO ALBERTO GUTIERREZ** violated 21 U.S.C § 841(a)(1) (possession with intent to distribute a controlled substance) and 18 U.S.C. 924(c) (possession of a firearm during and in relation to a drug-trafficking crime).



Joshua Klaas
Task Force Agent, FBI

Sworn to before me and signed in my presence
and/or by reliable electronic means.



Honorable Kimberly G. Altman
United States Magistrate Judge

Date: October 18, 2024